

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHRISTOPHER M. JONES

Petitioner,

Civil No. 4:15-cv-12239
Hon. Terrence G. Berg

v.

THOMAS WINN,

Respondent.

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**ORDER DENYING MOTION FOR RECONSIDERATION [dkt. # 15],
DENYING MOTION FOR CERTIFICATE OF APPEALABILITY, [dkt. # 16]
AND DENYING APPLICATION TO PROCEED ON APPEAL IN FORMA
PAUPERIS [dkt. # 17]**

This is a habeas case under 28 U.S.C. § 2254. Petitioner filed a pro se petition for writ of habeas corpus. On October 31, 2016, the Court issued an Opinion and Order denying the petition. The Opinion also specifically denied Petitioner a certificate of appealability and permission to appeal in forma pauperis. Before the Court are Petitioner's application to proceed on appeal in forma pauperis and his application for a certificate of appealability.

Local Rule 7.1(h) allows a party to file a motion for reconsideration. However, a motion for reconsideration which presents the same issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *Ford Motor Co. v. Greatdomains.com, Inc.*, 177 F. Supp. 2d 628, 632 (E.D. Mich. 2001). The movant must not only demonstrate a palpable defect by which the

court and the parties have been misled but also show that a different disposition of the case must result from a correction thereof. A palpable defect is a defect that is obvious, clear, unmistakable, manifest, or plain. *Witzke v. Hiller*, 972 F. Supp. 426, 427 (E.D. Mich. 1997).

There is no palpable defect in the Court's prior order. As the Court already explained, to warrant a grant of a certificate of appealability, "[t]he petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473 (2000). Petitioner's habeas claims do not meet this standard for the reasons explained in the prior opinion. Furthermore, as previously explained, any appeal could not be taken in good faith, so leave to appeal in forma pauperis is again denied. 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a).

Petitioner's pending motions are therefore **DENIED**.

SO ORDERED.

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Dated: January 4, 2017

Certificate of Service

I hereby certify that this Order was electronically submitted on January 4, 2017, using the CM/ECF system, which will send notification to each party.

s/A. Chubb
Case Manager